

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

GYMFINITY, LTD.
6300 Nesbitt Road
Fitchburg, WI 53719,

Plaintiff,

Case No. 11 CV 415

v.

JEROD and JULIANNE PIMENTAL
d/b/a Gymfinity Gymnastics
230 S. Vasco Road
Livermore, CA 94551,

Defendants.

**ORDER HOLDING DEFENDANTS IN CONTEMPT OF COURT AND TO COMPEL
DEFENDANTS TO RESPOND TO PLAINTIFF'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

This matter came before the Court on February 8, 2012 for a continued damage hearing and on Plaintiff's Motions to Hold Defendants in Contempt for failure to abide by the terms and conditions of the Permanent Injunction dated September 17, 2011 and to compel defendants to respond to Plaintiff's First Request for Production of Documents propounded on December 7, 2011. The Plaintiff Gymfinity, Ltd. appeared by its counsel Margery Tibbetts-Wakefield of Murphy Desmond, S.C. and by its owners J. and Stephanie Orkowski. There was no appearance by Defendants.

The Court having reviewed the pleadings including the subject Motions and supporting Affidavit, hereby finds that Defendants Jerod and Julianne Pimental are in contempt of the default judgment and Permanent Injunction entered by this Court on September 11, 2011 by continuing to utilize Plaintiff's trademark GYMFINITY in

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Defendants' URL of www.gymfinitygymnastics.com, Defendants' YouTube account, blog, Facebook account and ATT adds in direct violation of paragraphs 1(a)(b)(c) and (d). Moreover, Defendants have failed to comply with the provisions of paragraphs 3 through 5 of the Permanent Injunction. The Defendants are hereby ordered to immediately comply with each provision of the Permanent Injunction and to pay to Plaintiff its attorney fees in the amount of \$784.50 in addition to the attorney fees awarded in the default judgment dated September 7, 2011 in the amount of \$4,751.70 for a total award to date of \$5,536.20 as and for a sanction for violating the provisions of the Permanent Injunction. Defendants are further ordered to provide to Plaintiff's counsel all documents requested in Plaintiff's First Request for Production of Documents no later than February 29, 2012.

Dated this 22d day of February, 2012.

BY THE COURT:

Barbara B. Crabb
Barbara B. Crabb
Magistrate Judge
District